

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 28437 PERMIT 19618 LICENSE _____

**ORDER TO CORRECT THE DESCRIPTION OF THE POINTS OF DIVERSION AND
REDIVERSION, PURPOSE OF USE AND APPROVE A
NEW DEVELOPMENT SCHEDULE**

WHEREAS:

1. Permit 19618 was issued to Buena Vista Winery, Inc. on September 18, 1985 pursuant to Application 28437.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
4. An inspection of the project was made on May 12, 1992. It was determined that the description of the points of diversion and redirection should be corrected to show the project as operated. Also, stockwatering should be added under Section 798, Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 2 of the permit be amended to read:

Point of Diversion to Offstream Storage:

Ramal Reservoir: North 1,775 feet and East 1,100 feet from the SW corner of projected Section 34, T5N, R5W, MDB&M, being within the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 34 (California Coordinate System, Zone 2, N 207,300 and E 1,884,100).

Points of Diversion to Storage and Rediversion:

1) Upper Reservoir: North 600 feet and East 3,350 feet from the SW corner of projected Section 34, T5N, R5W, MDB&M, being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 34 (California Coordinate System, Zone 2, N 206,200 and E 1,886,300); and

2) Lower Reservoir: North 200 feet and East 2,900 feet from the SW corner of projected Section 34, T5N, R5W, MDB&M, being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 34 (California Coordinate System, Zone 2, N 205,700 and E 1,885,800). (0000002)

2. Condition 3 of the permit be amended to read:

Purpose of Use:

Irrigation and Stockwatering (0000003)

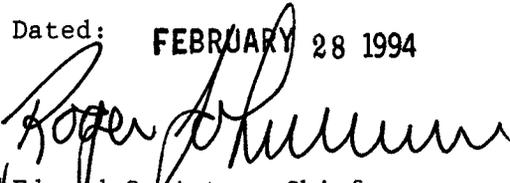
3. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 1999

(000009)

Dated: FEBRUARY 28 1994


for Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 19618

Application 28437 of Buena Vista Winery, Inc.
P. O. Box 182, Sonoma, California 95476

filed on April 24, 1985, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

- | | |
|----------------------------|--------------------------------|
| 1. Source: | Tributary to: |
| <u>Two Unnamed Streams</u> | <u>Steamboat Slough thence</u> |
| _____ | <u>Napa Slough thence</u> |
| _____ | <u>Sonoma Creek thence</u> |
| _____ | <u>San Pablo Bay</u> |
| _____ | _____ |

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	* Section	Township	Range	Base and Meridan
<u>Ramal Reservoir Dam</u> <u>North 1,400 feet and East 1,200 feet from SW corner of projected Section 34</u>	<u>NW¹/₄ of SW¹/₄</u>	<u>34</u>	<u>5N</u>	<u>5W</u>	<u>MD</u>
<u>Main Reservoir</u> <u>North 214,525, East 1,894,730 California Coordinate System Zone 2</u>	<u>NW¹/₄ of NE¹/₄</u>	<u>3</u>	<u>4N</u>	<u>5W</u>	<u>MD</u>

County of Sonoma

* Projected Section

3. Purpose of use:	4. Place of use:	* Section	Township	Range	Base and Meridan	Acres
<u>Irrigation</u>		<u>2</u>	<u>4N</u>	<u>5W</u>	<u>MD</u>	<u>48</u>
		<u>3</u>	<u>4N</u>	<u>5W</u>	<u>MD</u>	<u>315</u>
		<u>34</u>	<u>5N</u>	<u>5W</u>	<u>MD</u>	<u>230</u>
		<u>35</u>	<u>5N</u>	<u>5W</u>	<u>MD</u>	<u>15</u>
					<u>Total</u>	<u>608</u>

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 350 acre-feet per annum to be collected from November 1 of each year to April 30 of the succeeding year as follows: 300 acre-feet per annum in Main reservoir, and replenishment of 50 acre-feet per annum. (0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (0000005)

The maximum rate of diversion to offstream storage in Main Reservoir shall not exceed 1.78 cubic feet per second. (0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)

8. Construction work shall be completed by December 1, 1988. (0000008)

9. Complete application of the water to the authorized use shall be made by December 1, 1989. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

12. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action

will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

14. Permittee shall install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel in order that water entering the reservoir which is not authorized for appropriation under this permit may be released. (0050043)

15. Construction of the storage dam shall not be commenced until the Department of Water Resources has approved the plans and specifications. (0130049)

16. In accordance with the requirements of Water Code Section 1393, permittee shall clear the site of the proposed reservoir of all structures, trees and other vegetation which would interfere with the use of the reservoir for water storage and recreational purposes. (0120050)

17. The areas disturbed while constructing Main Reservoir shall be mulched, seeded and planted with native shrubs and/or trees. (0400500)

18. If development extends to the south side of the Southern Pacific Railroad tracks, a professional archeologist shall monitor all ground disturbance activities in that area. If archeological artifacts are found, ground disturbance activities at that location shall be stopped and the State Water Resources Control Board shall be notified immediately. (0380500)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: **SEPTEMBER 18 1985**

STATE WATER RESOURCES CONTROL BOARD

L. D. Johnson
for Chief, Division of Water Rights